

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF MARYLAND**

BRIAN KIRK MALPASSO, et al.,

*

Plaintiffs,

*

v.

*

Civil Case No. MJG 18-1064

WILLIAM M. PALLOZZI,

*

Defendant.

*

* * * * *

DEFENDANT'S MOTION TO DISMISS

For the reasons stated in the accompanying memorandum, Defendant William L. Pallozzi, Secretary of the Maryland Department of State Police, moves to dismiss the complaint in this action, pursuant to Federal Rule of Civil Procedure 12(b)(6), for failure to state a claim on which relief can be granted.

A proposed order is attached.

Respectfully submitted,

BRIAN E. FROSH
Attorney General of Maryland

and

/s/

MARK H. BOWEN (Fed. Bar # 10197)
Assistant Attorney General
1201 Reisterstown Road
Baltimore, Maryland 21208
410-653-4226 (tel.); 410-653-4270 (fax)
mark.bowen@maryland.gov
Attorneys for Defendant

Dated: June 11, 2018

CERTIFICATE OF SERVICE

I certify that on June 11, 2018 the foregoing Motion to Dismiss, accompanying Memorandum In Support and proposed order were served on Plaintiffs' counsel of record through the CM/ECF.

/s/

Mark H. Bowen
Assistant Attorney General